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ATTORNEY'S DOCKET NO.: S1022/8547

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Peter BALLAM

Serial No.:

09/692,292

Filed:

October 19, 2000

For:

A METHOD OF REDUCING DELAYS

Examiner:

Unassigned

Art Unit:

Unassigned

Office of Initial Patent Examination's

Customer Service Center Commissioner for Patents

Washington, D.C. 20231

Sir/Madam:

Transmitted herewith for filing is/are the following document(s):

[X] Request for Notice to File Missing Parts

[X] Copy of Memos Documenting Communications

[X] Copy of Notice to File Missing Parts

[X] Copy of Original Transmittal Letter

[X] Return Post Card

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned collect at (617)720-3500, Boston, Massachusetts.

A check in the amount of \$0.00 is enclosed to cover the filing fee. If the fee is insufficient, the balance may be charged to the account of the undersigned, Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this document is being placed in the United States mail with first-class postage attached, addressed to the Commissioner for Patents, Washington, D.C. 20231 on July 9, 2001.

Attorney Docket No.: S1022/8556

XNDD

Respectfully submitted,

James H. Morris

Reg. No.: 34,681

WOLF, GREENFIELD & SACKS, P.C.

600 Atlantic Avenue

Boston, Massachusetts 02210

Tel. (617) 720-3500



Applicant:

Peter BALLAM

Serial No.:

09/692,292

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For:

A METHOD OF REDUCING DELAYS

Examiner:

Unassigned

Art Unit:

Unassigned

Office of Initial Patent Examination's Customer Service Center Commissioner for Patents Washington, D.C. 20231

REQUEST FOR NOTICE TO FILE MISSING PARTS

Sir/Madam:

Applicant respectfully requests that a Notice to File Missing Parts be issued for the above-identified patent application. This application was filed on October 19, 2000 along with five other related applications. This specific application was filed under Express Mail Label No. EL711265762US by James H. Morris of Wolf, Greenfield & Sacks, P.C., 600 Atlantic Avenue, Boston, Massachusetts 02210. A return receipt postcard, enclosed with the initial mailing, was received by Applicant indicating the serial no. 09/692,292 and filing date of October 19, 2000.

BACKGROUND

- 1) Applicant became concerned that, by March 14, 2001, a Notice to File Missing Parts had been received for each of the related applications, but not for the instant application. Applicant's representative telephoned the Office of Initial Patent Examination (OIPE) several times to inquire about a Notice to File Missing Parts.
- 2) On April 9, 2001 Applicant's representative spoke with Ms. Elise Ivey and was informed that a Notice to File Missing Parts had, in fact, been mailed on March 15, 2001. Applicant's representative informed Ms. Ivey that no notice was received and requested that Ms. Ivey fax a copy of the Notice to File Missing Parts.

Serial No.: 09/692,292 - 2 -

- 3) Ms. Ivey said she would first have to locate the file and would then fax a copy of the Notice to File Missing Parts.
- 4) On April 19, 2001 Ms. Ivey called to say she had located the file and would fax a copy of the Notice to File Missing Parts (copy enclosed) immediately.
- 5) Upon receipt and review of the Notice to File Missing Parts, Applicant noted that while the serial number and file date were correct, the Applicant's name and the Attorney Docket Number were not.
- 6) Applicant called Ms. Ivey and explained that the serial number and filing date were correct but that the inventor's name and attorney's docket number were not, in fact, no inventor should have been listed as the application was filed using the attorney's docket number, S1022/8547, as the case identifier. This Notice of Missing Parts could not be used for submission of the missing parts due to the incorrect information.
- 7) Ms. Ivey said that the Patent Office file contained a fax from our office, signed by something Warren or Warren something (it was difficult to tell) naming Paul R. Henion as the inventor with an Attorney's Docket No. of BRI-00025.
- 8) Applicant's representative suggested that the fax from Warren was erroneously placed in the application as no individual named Warren works for Wolf, Greenfield & Sacks, P.C., Mr. Henion is not the inventor in this application and the docket number is not the type used by Wolf, Greenfield & Sacks.
- 9) Due to the confusion, Ms. Ivey said she would have to assign someone to review the case and hopefully get back to our office by April 26, 2001 or, we could call her.
- 10) On April 28, 2001 Applicant called Ms. Ivey inquiring as to the status of the Notice to File Missing Parts in the application, but, due to circumstances beyond her control, she had not yet had time to address the issue.
- 11) On May 16, 2001 Applicant once again called Ms. Ivey requesting a Notice to File Missing Parts be issued as soon as possible. A new Notice to File Missing Parts had not, at this time, been prepared. Accordingly, Applicant facsimile filed a Letter to Examiner outlining the above and requesting the a Notice to File Missing Parts be issued.

Serial No.: 09/692,292

12) Applicant called Ms. Ivey once again on June 27, 2001 and informed Ms. Ivey that the Notice to File Missing Parts still had not been received by Applicant. Ms. Ivey indicated that she did not have the application but would e-mail an "URGENT REQUEST" to their file room.

- 3 -

- 13) Ms. Ivey called on July 5, 2001 to inform us that she had the file in her possession, had reviewed all of the paperwork and, due to the fact that it was entirely confusing and totally incorrect, she would send the case back to be processed as a new application.
- 14) After speaking with Ms. Ivey Applicant received a new Notice to File Missing Parts identical to the original Notice.
- 15) None of the information on the filing receipt, other than the serial number 09/692,292 and filing date, appear to relate to the instant application. The inventor's name, the attorney's docket number, number of claims filed are not those of the instant application.

Accordingly, Applicant requests that a corrected Notice to File Missing Parts be issued in this application serial No. 09/692,292.

Should any questions arise concerning the foregoing, please contact the undersigned at the telephone number listed below. No check is enclosed as Applicant believes no fee is due, however, if the Examiner deems a fee necessary, the fee may be charged to the charged to the account of the undersigned, Deposit Account No. 23/2825.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this document is being placed in the United States mail with first-class postage attached, addressed to the Commissioner for Patents, Washington, D.C. 20231 on July 9, 2001.

Attorney Docket No.: S1022/855

Respectfully submitted,

PETER BELLAM

James H. Morris

Beg. No.: 34,681

WOLF, GREENFIELD & SACKS, P.C.

600 Atlantic Avenue

(mas)

Boston, Massachusetts 02210

Tel. (617) 720-3500



MEMORANDUM

To:

S1022/8547

From:

Gail Driscoll

Date:

April 19, 2001

Re:

Notice to File Missing Parts

I called OIPE (703-308-1202) in this case on March 14, 2001, March 30, 2001, April 6, 2001 and April 9, 2001 in an attempt to get a Notice to File Missing Parts. The first three calls were not answered and I left messages. No one returned my call.

On April 9, 2001 when I got through to the Office I was told that a Notice to File Missing Parts had been sent out on March 14, 2001. I explained that I had not received the Notice and requested that a copy be faxed to our office.

On April 17, I called back and spoke with Ms. Elise Ivey, a supervisor in OIPE. She said she would have to locate the case and would fax the Notice as soon as she had the case in hand.

On April 18, Ms. Ivey called to tell me she would fax the Notice to me immediately. On April 19 Ms. Ivey called to tell me should would fax the Notice immediately, and true to her word, she faxed the Notice.

I started to prepare the papers to file the missing parts when I noticed that the inventor's name and attorney docket number were both incorrect.

I called Ms. Ivey and explained that the serial number and filing date were correct but that the inventor's name and attorney's docket number were not correct, that in fact no inventor should be listed as we did not name one. Ms. Ivey said that the file contained a fax from our office, signed by something Warren or Warren something it was hard to tell, with Paul R. Henion named as the inventor. I explained that we did not have anyone in our office named Warren either as a first or last name.

Ms. Ivey will assign someone to review the file and hopefully straighten out the mess it is in. I told here that if I did not hear from her by next Wednesday, I would call her back.

Ms. Ivey told me I could do that if I would like.





FAX COVER

Date

May 16, 2001

Number of pages (including cover): 4

To

Ms. Elise Ivey

Company

U.S. Patent and Trademark Office

Applicant

Peter Ballam

Serial No.:

09/692,292

Filing Date:

October 19, 2000

Title:

A METHOD OF REDUCING DELAYS

Fax

(703) 305-9822

From

James H. Morris

Direct dial

617.573.7827

Our File #

S1022/8547

ORIGINAL DOCUMENTS WILL NOT BE SENT

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that a Letter to Examiner in the above-referenced application (Total of 4 pages including cover sheet) is/are being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Gail Driscoll

Person Signing Certification

Date: May 16, 2001

This transmission contains confidential information intended for use only by the above-named recipient. Reading, discussing, distributing, or copying this message by anyone other than the named recipient, or his or her employees or agents, is strictly prohibited. If you have received this fax in error, please notify us immediately by telephone (collect), and return the original message to us at the address below via the U.S. Postal Service.

IF YOU DID NOT RECEIVE ALL OF THE PAGES OF THIS TRANSMISSION OR IF ANY OF THE PAGES ARE ILLEGIBLE, PLEASE CALL 617.720.3500 IMMEDIATELY.

Wolf Greenfield Fax Number: 617.720.2441

Wolf, Greenfield & Sacks, P.C. | 600 Atlantic Avenue | Boston, Massachusetts 02210-2206 617.720.3500 | fax 617.720.2441 | www.wolfgreenfield.com

PATENTS TRADEMARKS COPYRIGHTS TECHNOLOGY TRANSFERS LITIGATION



ATTORNEY'S DOCKET NO.: S1022/8547

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Peter BALLAM

Serial No.:

09/692,292

Filed:

October 19, 2000

For:

A METHOD OF REDUCING DELAYS

Examiner:

Unassigned

Art Unit:

Unassigned

Office of Initial Patent Examination's Customer Service Center Commissioner for Patents Washington, D.C. 20231

LETTER TO EXAMINER

Sir/Madam:

Applicant respectfully requests that a Notice to File Missing Parts be issued for the above-identified patent application. This application was filed on October 19, 2000 along with five other related applications. This specific application was filed under Express Mail Label No. EL711265762US by James H. Morris of Wolf, Greenfield & Sacks, P.C., 600 Atlantic Avenue, Boston, Massachusetts 02210. A return receipt postcard, enclosed with the initial mailing, was received by Applicant indicating the serial no. 09/692,292 and filing date of October 19, 2000.

Applicant became concerned that, by March 14, 2001, a Notice to File Missing Parts had been received for each of the related applications, but not for the instant application. Applicant's representative telephoned the Office of Initial Patent Examination (OIPE) several times to inquire about a Notice to File Missing Parts. On April 9, 2001 Applicant's representative spoke with Ms. Elise Ivey and was informed that a Notice to File Missing Parts had, in fact, been mailed on March 15, 2001. Applicant's representative informed Ms. Ivey that no notice was received and requested that Ms. Ivey fax a copy of the Notice to File Missing Parts.

Ms. Ivey said she would first have to locate the file and would then fax a copy of the Notice to File Missing Parts. On April 19, 2001 Ms. Ivey called to say she had located the file and would fax a copy of the Notice to File Missing Parts (copy enclosed) immediately.

Upon receipt and review of the Notice to File Missing Parts, Applicant noted that while the serial number and file date were correct, the Applicant's name and the Attorney Docket

Serial No.:

09/692,292

Number were not. Accordingly, Applicant called Ms. Ivey and explained that the serial number and filing date were correct but that the inventor's name and attorney's docket number were not, in fact, no inventor should have been listed as the application was filed using the attorney's docket number, S1022/8547, as the case identifier. This Notice of Missing Parts could not be used for submission of the missing parts due to the incorrect information.

- 2 -

Ms. Ivey said that the Patent Office file contained a fax from our office, signed by something Warren or Warren something (it was difficult to tell) naming Paul R. Henion as the inventor with an Attorney's Docket No. of BRI-00025. Applicant's representative suggested that the fax from Warren was erroneously placed in the application as no individual named Warren works for Wolf, Greenfield & Sacks, P.C., Mr. Henion is not the inventor in this application and the docket number is not the type used by Wolf, Greenfield & Sacks.

Due to the confusion, Ms. Ivey said she would have to assign someone to review the case and hopefully get back to our office by April 26, 2001 or, we could call her.

On April 28, 2001 Applicant called Ms. Ivey inquiring as to the status of the Notice to File Missing Parts in the application, but, due to circumstances beyond her control, she had not yet had time to address the issue. Applicant thanks Ms. Ivey for her kind assistance and requests herein that this application be reviewed and that a Notice to File Missing Parts be issued as soon as possible.

Should any questions arise concerning the foregoing, please contact the undersigned at the telephone number listed below. No check is enclosed as Applicant believes no fee is due, however, if the Examiner deems a fee necessary, the fee may be charged to the charged to the account of the undersigned, Deposit Account No. 23/2825.

CERTIFICATION OF FACSIMILE TRANSMISSION I hereby certify that a Letter to Examiner in the above-referenced application (Total of 4 pages including cover sheet) is/are being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Attorney Docket No. S1022/8547

Date: May 16, 2001

Respectfully submitted,

James H. Morris Reg. No.: 34,681

WOLF, GREENFIELD & SACKS, P.C.

600 Atlantic Avenue

Boston, Massachusetts 02210

Tel. (617) 720-3500

** TX STATUS REPORT **

AS OF MAY 16 2001 15:31 PAGE.01

WOLF, GREENFIELD&SACKS

DATE TIME TO/FROM MODE MIN/SEC PGS

05/16 15:29 22#80547#17033059822# EC--S 01'22" 004



MEMORANDUM

To:

S1022/8547

From:

Gail Driscoll

Date:

June 27, 2001

Re:

Notice to File Missing Parts

I called OIPE (703) 308-1202 today and spoke with Ms. Elise Ivey. I explained to Ms. Ivey that we still have not received the correct Notice to File Missing Parts for this application. She looked on her computer to locate the file and stated that it was in building No. 6. Since she did not have the application (which she requested back in May of this year) she would put an "urgent" on her e-mail request for the file.

Once she receives the file she will then assign someone to look into it and send us a corrected Notice to File Missing Parts.

Ms. Ivey will be moving on from OIPE as soon as the move has been completed but will make certain this case is taken up. I told her that if I did not hear from her in one months time I would call back. She said this would be a good idea even if she is not there someone will be able to assist me.



MEMORANDUM

To:

From:

Gail Driscoll

Date:

July 5, 2001

Re:

Notice to File Missing Parts

Ms. Ivey called from the Patent and Trademark Office regarding the Notice to File Missing Parts in the above application. Ms. Ivey informed me that she now has the file in her possession and have reviewed all of the paperwork.

Ms. Ivey agrees that the Notice to File Missing Parts that she faxed to us is incorrect and she would remove it from the file. Additionally, she said that she would pull the fax that was placed in the application from "Warren" (not sure if this if first or last name) naming Paul Henion as the inventor.

Essentially this case is going back to square 1 to be processed as a new case but will retain the October 19, 2000 filing date.

I told Ms. Ivey that if I did not hear from the Patent Office by July 17, 2001 I would call back and ask for her because she had been handling the case up to this point. (She will no longer be in the same group, but would be willing to pick up this case since she is familiar with it.) She pointed out that it may take a little longer than that (July 17, 2001) for someone to get to the application. Perhaps a longer waiting period would be better, but no so long as to lose track of the case.



United State

COMMISSIONER FOR PATENTS UNITED STATES PATENT AND TRADEMARK OFFICE WASHINGTON, D.C. 20231 www.uspta.gov

APPLICATION NUMBER

FILING/RECEIPT DATE

FIRST NAMED APPLICANT

ATTORNEY DOCKET NUMBER

09/692,292

10/19/2000

Paul R. Henion

BRI-00025

James H Morris Wolf Greenfield & Sacks PC 600 Atlantic Avenue Boston, MA 02210

FORMALITIES LETTER HINDE TO BOOK IN THE OR THE OUR DESIGNATION OF THE OUR SELECTION. OC000000005864169°

Date Mailed: 03/15/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing. Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$.
 - \$54 for 3 total claims over 20.
 - \$270 for multiple dependent claim surcharge.
- The oath or declaration is missing. A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- Late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 was not received.
- The balance due by applicant is \$ 840.00.

A copy of this notice MUST be returned with the reply.

thmer \$ervice Center

Initial Patent Examination Division (703) 308-1202

PART 3 - OFFICE COPY



File No.	\$1022/854/ By: Jilli
Serial No File No Title: A Method of Reducing Delays	
11022 / 95/7	WGS Date:10/29/00
Application of \$1022/8547	
The U.S. PTO Mail Room acknowledges receipt of the follo [X] Mailing by Express Mail (37 CFR 1 10) 5762US Express Mail Label No. ELT 1 1265762US [X] Patent Application [X] Non-provisional Incl. 33 pages. (3 Spgs) Specification, (/ pgs) Abstract. (2 pgs) Claims (3 # clair [Design Patent Application Declaration(s) Declaration(s) The U.S. PTO Mail Room acknowledges receipt of the following forms.	Provisional Application Cover Sneet Muttiple Dependent Claim Fee Sheet Inf. Discl. Statement, PTO Form 1449 I References Cited Priority Document(s) # Copy of Notice to File Missing Parts Amendment/Response Petition for Ext. of Time (x2) Issue Fee Transmittal Letter to Official Draftsperson
Willity Patent Application Transmittal Fee calculation sheet (x2) CPA Transmittal Verified Statement claiming small entity status Assignment and Cover Sheet	Notice of Appeal Series (x3) Check for \$ Transmittal Letter (x2) Cert. of Mailing under 37 CFR 1.8(a)
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EL711265762US

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JUL 1 1 2001

PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

_		
1	Attorney Docket No.	S1022/8547
	First Named	I Inventor or Application Identifier
	S1022/8547	
	Express Mail Label N	o. EL711265762US
<u>.</u>	Date of Deposit	October 19, 2000

APPLICATION ELEMENTS See MPEP chapter 600 concerning utility patent application contents	ADDRESS Box Patent Application Commissioner for Patents Washington, DC 20231
 □ Fee Transmittal Form (Submit an original, and a duplicate for fee processing) □ Specification [Total pages 38] 35 - pages description 1 - pages abstract 2 pages claims 13 - Total claims 	 6.
Z - pages claims	ACCOMPANYING APPLICATION PARTS
3. ⊠ Drawing(s) (35 USC 113) [Total sheets 7] ☑ Informal ☐ Formal [Total drawings 6]	8. Assignment Papers/cover sheet & documents(s)
4. Oath or Declaration [Total pages] a. Newly executed (original or copy)	9. 37 CFR 3.73(b) Statement (when there is an assignee) Power of Attorney
 b. □ Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional with Box 17 completed) [Note Box 5 below] i. □ DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b). 	 10. ☐ English Translation of Document (if applicable) 11. ☒ Information Disclosure Statement PTO-1449 ☒ Copies of IDS Citations
5. Incorporation by Reference (usable if Box 4b is checked) The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.	 12. ☑ Preliminary Amendment 13. ☑ Return Receipt Postcard (MPEP 503) (Should be specifically itemized) 14. ☐ Small Entity Statement(s) ☐ Statement filed in prior application, Status still proper and desired 15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. Other: PURSUANT TO 35 U.S.C.§119, APPLICATION NO. 9925658.8,	ANT HEREBY CLAIMS PRIORITY TO UNITED KINGDOM FILED OCTOBER 29, 1999

EL711265762US

17.	If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:			
	☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.:			
	 Cancel in this application original claims of the prior application before calculating the filing fee. 			
	Amend the specification by inserting before the first line the sentence:			
	This application is a \square continuation \square divisional of application serial no. , filed , entitled , and now .			

	18. CORI	RESPONDENCE ADDRE	ss		
Correspondence addres	s below				
ATTORNEY'S NAME	James H. Morris, Reg. No. 34,681				
NAME	Wolf, Greenfield & Sacks, P.C. 600 Atlantic Avenue				
ADDRESS					
CITY	Boston	STATE	MA	ZIP	02210
COUNTRY	USA	TELEPHONE	(617) 720-3500	FAX	(617) 720-2441

19. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED		
NAME	James H. Morris, Reg. No34,681	
SIGNATURE	Simo	
DATE (October 19, 2000	